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CYBERSitter, LLC d/b/a Solid Oak Software

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - SOUTHERN DIVISION

CYBERSitter, LLC, a California limited
liability company, d/b/a Solid Oak Software,

Plaintiff,

v.

The People's Republic of China, a foreign
state; Zhengzhou Jinhui Computer System
Engineering Ltd., a Chinese corporation;
Beijing Dazheng Human Language
Technology Academy Ltd., a Chinese
corporation; Sony Corporation, a Japanese
corporation; Lenovo Group Limited, a
Chinese corporation; Toshiba Corporation, a
Japanese corporation; ACER Incorporated, a
Taiwanese corporation; ASUSTeK
Computer Inc., a Taiwanese corporation;
BenQ Corporation, a Taiwanese
corporation; Haier Group Corporation, a
Chinese corporation; DOES 1-10, inclusive,

Defendants.

CASE NO. CV 10-00038 JST(SHx)

**PLAINTIFF'S NOTICE OF MOTION
AND MOTION FOR ENTRY OF
DEFAULT AGAINST DEFENDANT
PEOPLE'S REPUBLIC OF CHINA**

FED. R. CIV. P. 55

Judge: Hon. Josephine Staton Tucker
Crm: 10A

Hearing Date: Jan. 10, 2011
Hearing Time: 10:00 a.m.

Discovery Cutoff: Dec. 2, 2011
Pretrial Conference: Feb. 27, 2012
Trial Date: March 27, 2012

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that at 10:00 a.m. on January 10, 2011, or as soon thereafter as the matter may be heard, by submission to the Honorable Josephine Staton Tucker in Courtroom 10A of the above-captioned Court, located at 411 West Fourth Street, Santa Ana, California 92701, plaintiff CYBERsitter, LLC d/b/a Solid Oak Software ("CYBERsitter" or "Plaintiff") will and hereby does move this Court for entry of default against defendant People's Republic of China ("PRC").

This motion is made on the following grounds. Plaintiff served the PRC pursuant to the procedures set forth in the Foreign Sovereign Immunities Act, 28 U.S.C. § 1330, *et seq.* According to the proof of service filed with the Court by the U.S. Department of State on November 12, 2010, service of defendant PRC was completed on September 27, 2010. The PRC's response date was thus November 26, 2010. Fed. R. Civ. P. 12(a)(1)(A)(ii). The PRC failed to answer or otherwise respond to the Complaint by that date. Accordingly, entry of default as to the PRC is appropriate.

This motion is based on this Notice of Motion; the accompanying Memorandum of Points and Authorities; the accompanying Declaration of Elliot B. Gipson; the pleadings and papers on file in this action; any oral arguments of counsel; and upon any other evidence that the Court may consider or matters of which the Court may take judicial notice. A Proposed Order is lodged concurrently herewith.

DATED: December 13, 2010

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By /s/ Gregory A. Fayer
GREGORY A. FAYER
Attorneys for Plaintiff CYBERsitter, LLC
d/b/a Solid Oak Software